

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DARRYL W. PETERS,)	
)	Civil Action
Plaintiff)	No. 05-CV-02038
)	
vs.)	
)	
AIR PRODUCTS & CHEMICALS, INC.)	
and)	
ASHLAND-ACT)	
)	
Defendants)	

O R D E R

NOW, this 30th day of March, 2006, upon consideration of Defendants' Motion to Dismiss the Second Amended Complaint, which motion was filed on July 21, 2005; upon consideration of Plaintiff's Memorandum of Law in Opposition to Defendants' Motion to Dismiss the Complaint, which response was filed on August 4, 2005; upon consideration of the letter request to file a reply brief by defendants Air Products and Chemicals, Inc. and Ashland ACT, presented on August 19, 2005; and for the reasons expressed in the accompanying Memorandum,

IT IS ORDERED that defendants' request to file a reply brief is denied.

IT IS FURTHER ORDERED that Count I of plaintiff's Second Amended Complaint is dismissed.

IT IS FURTHER ORDERED that Count II of plaintiff's Second Amended Complaint is dismissed insofar as it states a claim for unlawful retaliation in violation of the ADEA.

IT IS FURTHER ORDERED that in all other respects
defendants' motion to dismiss is denied.

IT IS FURTHER ORDERED that the within case is remanded
to the Court of Common Pleas of Lehigh County, Pennsylvania.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge